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2 WILLIAM A. KENT, ESQ. SBN# 52111
3 15242 Normandie Av.
4 Irvine, Ca. 92604
5 Tel. (949)(559-5003)
6 Fax (949)(651-0281)
7 In Pro Per

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10 UNITED STATES BANKRUPTCY COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SANTA ANA DIVISION
13
14

15 In re: Illangovan Kuppusamy, and
16 Ranjani Illangovan Krishnan,

17 Debtors

18 Case No. : 8:14-bk-17399-CB
19 Chapter 7
20 Before the Honorable Catherine E. Bauer
21 Opposition to Motion to Dismiss;
22 Declaration of WILLIAM A. KENT, ESQ.
23 MEMORANDUM OF POINTS AND
24 AUTHORITIES
25 Date of Hearing : Feb. 10, 2015,
26 Time: 2:30 P.M.
27 Room 5D Federal Courthouse
28 411 West Fourth St,
Santa Ana, CA 92701-4593

1
2 MOTION OF DEBTORS ILLANGOVAN KUPPUSAMY AND RANJANI ILLANGOVAN
3 KRISHNAN TO DISMISS THE CASE MUST BE DENIED ON THE GROUNDS THAT THE
4 PROPER PROCEDURE HAS NOT BEEN FOLLOWED.

5 Motions in Bankruptcy have to allow at least 21 days notice together with
6 mailing time and be properly made as a motion. The motions to dismiss, et al.,
7 also did not set any date.

8 What is more is that the clients cannot file any motion when there is an
9 attorney still representing them. Moreover, there have been outsiders who have
10 attempted to subvert and undermine the judicial process by improperly making
11 telephone calls, improperly advising another lawyer's clients, improperly
12 contacting the Trustee, and a host of other improprieties. These interlopers have
13

attempted to interfere with the undersigned's handling of the case and sabotage the entire framework of Bankruptcy rules and laws without blinking an eye!

It is incomprehensible why these Debtors made no attempt to obtain and file a Substitution of Attorney either for the Debtors to enter the case In Pro Per or substituting in another attorney.

Since no proper procedures were followed, Attorney KENT must pray that the undersigned attorney be allowed to withdraw from this case and appropriate action be taken against the persons and parties responsible for the inappropriate behavior which has been exhibited here in this case.

Attorney KENT must not allow or let the false allegations of Debtors go unchallenged. Therefore, as a matter of law and personal privilege, the undersigned Attorney will set forth in his Declaration point by point the allegations and lies of the DEBTORS as being egregiously perjurious.

DECLARATION OF WILLIAM A. KENT.

I, WILLIAM A. KENT, declare under penalty of perjury that the foregoing statements are true and correct under penalty of perjury under the laws of the state of California.

1. I, William A. Kent am an attorney licensed to practice law in all the courts of the state of California and all the federal courts in the state of California.

2. I make this Declaration in pursuance of the vicious attack made by Debtors in their perjurious "Affidavit" to set forth the actual, true facts of this case.
3. The undersigned is also asking the Court to award the undersigned damages against the Debtors for their intentional false and perjurious statements to the Court.
4. The undersigned and the Debtors reside in the same neighborhood (called "The Ranch") in Irvine, California.
5. Sometime in the past, the Debtors had come to the undersigned for some minor legal matters which the undersigned handled.
6. Then, in December, 2014, Debtors called the undersigned, complaining to the undersigned that he and his wife had been sued in the federal court in Denver, Colorado, by former business partners for many millions of dollars.
7. The undersigned went to the Debtors house where the Debtors showed the undersigned the said federal complaint.
8. The undersigned advised the Debtors to seek lawyers in Colorado to defend them.
9. About one week later, the undersigned Debtor Ilangova Kuppusamy called the undersigned and asked if it were possible for me to file a bankruptcy action for him.

10. The undersigned stated that he could do that if the Debtors qualified for such treatment.

11. The undersigned explained to them then and many times thereafter that he does not handle Chapter 7 bankruptcies where the client or clients have assets, as they will lose their assets by filing for a Chapter 7 bankruptcy.

12. The Debtors explained to me that that they were in poor financial condition and had no money to hire lawyers in Colorado to fight the case.

13. I then went over their financial picture. They had two motor vehicles which were heavily financed with little equity.

14. They then explained to me that they had a house, about 2200 square feet in Irvine, Ca. with a mortgage on it of approx. \$350,000.00.

15. I then explained to them that they would also have the use of a homestead to the tune of \$190,000.00.

16. I lived in the Ranch since 1988, and I was familiar with the prices of houses being sold here.

17. The price usually varied with the square footage.

18. I stated to the Debtors that in my opinion with their square footage of 2200 square feet the price of the house could probably sell for \$600,000.00 or a little more.

19. I said that I did not think the Trustee would want to sell their house, but I said I cannot guarantee that action.

20. The Debtors then explained to me that they could not afford to pay the mortgage any more.

21. The Debtors then mentioned that they had a son who was doing well-off financially and would be able to help them.

22. I then suggested to them that they talk to their son and try to get him to help them and, if necessary, have the house deeded to him and he would pay the mortgage.

23. They then decided to talk their son.

24. After talking to their son, they then deeded the house to the son.

25. I then advised them after they had deeded the house, that I would file a Chapter 7 bankruptcy 7 for them, but I made it indubitably clear that if there were any assets, I cannot and will not stay in the case.

26. I was then assured that there were no other assets.

27. When I asked about their finances, the Debtors explained to me that they were middlemen and bought and sold spices from Hong Kong and coal from Mexico.

28. I then explained to the Debtors my procedure which was that I have my own form which I developed for Chapter 7 cases and that they must fill out that form and when that form was filled out, I would have my paralegal type it up, have them sign it and then I would file it.

29. That was acceptable to them.

1
2 30. I then had the Debtors sign my contract for services to be rendered and
3 gave me a down payment for which I gave a receipt.
4
5 31. Within a short period of time, the Debtors filled out the form which I gave
6 them and then returned the form to me for the purpose of preparing the
7 Chapter 7 Bankruptcy Petition.
8
9 32. I also advised the clients that they needed to take a credit counselling
10 course which they said they would do.
11
12 33. When the form was filled out, I then turned over the filled form to my legal
13 secretary, Gabriela Kent, for preparation.
14
15 34. She then prepared the said Bankruptcy Petition and we had a meeting
16 at my house with the debtors.
17
18 35. The debtors reviewed the petition and signed it where designated.
19
20 36. As it turned out, the Debtors wanted to make changes. People were to
21 be added or eliminated and some other matters were to be put in. We
22 have made appropriate corrections.
23
24 37. Debtors contacted Gabriela Kent via email, confirming that the petition
25 should be filed and that they were consenting to the bankruptcy filing.
26
27 Debtors have also called me to file the Petition.
28
29
30 38. I have filed electronically the resulting Petition in the presence of my legal
31 secretary on Dec. 26, 2014, with their signatures.
32
33 39. The Creditor's meeting was set for February 3, 2015, with the Trustee being
34 Mr. Marshack.

40. I have done hundreds and hundreds of Chapter 7 cases and I have never had a problem before this case.

41. After the Petition was filed, the Debtors complained to me about their suppliers of spice who said that they were not going to send shipments of spices because the Debtors had filed for bankruptcy.

42. I told them after they told me this, that I did not know what they should do.

43. We discussed dropping the case, but they told me to hold off. They said they would let me know.

44. Then a period of time passed without any contact with the Debtors.

45. I then had to leave for Europe, which I did, being gone from January 24 to January 30, 2015.

46. When I returned, I was wondering how things were going. I returned on January 30th, on a Friday about dinner time. I then tried to make contact with my clients, the Debtors.

47. I went to Debtors' house where I saw the husband's car, so I rang the bell.

48. A young man with a guitar opened up some curtains and was looking at me through the curtains. We stared at each other and I then left.

49. About one or two hours later, I received a telephone call from a Lt. Martinez of the Irvine Police Dept.

50. Officer Martinez told me that my clients were in the police station and they claimed that I was trespassing on their property.

51. I explained the facts to the officer and then said I would be happy to leave the case, but the correct procedure is a Substitution of Attorney, either In Pro Per or with a new attorney, and asked the Police officer to tell that to the clients to do that. He said he would.

52. However, I never heard from the Officer or the clients again.

53. Soon thereafter, I received a telephone call from Trustee Marshak who told me an attorney named Hinden or Heston, something like that, had contacted him without my consent and told him very derogatory things about me and asked the Trustee to allow my clients to drop the case.

54. To this day, I do not know who the person was and had never met him and I am completely taken aback to think an attorney would contact the Trustee without my knowledge and consent.

55. When the hearing on February 3, 2015 came up, I went to the hearing.

56. The clients did not appear nor did anyone else appear on their behalf.

57. At the hearing there were three creditors who appeared who claimed they were owed \$50,000.00, another \$80,000.00 and another representing a group, \$61 million dollars.

58. I left expecting to return to the court on February 10, 2015.

59. I am happy to be relieved of my duties as attorney for the Debtors and will be appearing at the hearing set for Feb. 10, 2015.

60. As far as the Affidavit of the Debtors is concerned, I am now officially declaring under penalty of perjury that the following statements are perjurious and not true.

I SHALL NOW CHALLENGE CERTAIN STATEMENTS MADE BY THE DEBTORS. With regard to the wife's AFFIDAVIT, I shall answer them, ad seriatim.

61. Para. 2. Denied. I did not go to the home of the Debtors and ask my clients to sign four pages. They came to my house when I and my legal secretary were ready to sign papers.

62. Para. 3. Denied. There were no pages blank and I did not ask the clients to sign blank pages.

63. Para. 4. Admitted. I did ask clients to take a credit counselling course.

64. Para. 5. Denied. I spent hours upon hours explaining the Bankruptcy procedures to Debtors on at least 5-6 occasions.

65. Para. 6. I cannot admit nor deny.

66. Para. 7. I cannot admit or deny.

67. Para. 8. Deny. I have emails between the parties and all of these emails show that this statement is a complete lie. See Gabriela Kent's Declaration and exhibits.

68. Para. 9. Denied. My legal secretary had emailed pages and pages to the clients who had full knowledge of what we were preparing before they finally signed the Petition in the places indicated. The Debtors were kept completely informed of all things.

69.Para. 10. Denied. In front of the undersigned and my legal secretary, Debtor wife and Debtor husband did know and have the Petition to look at and she spent hours on different days looking at it over and over again and we were all present at my house, including the Debtors, and my legal secretary when the Debtors signed everything. They also authorized the filing of the Petition. See Gabriela Kent's exhibits.

70.Para. 11. Deny. That is a total lie! The wife never spoke on the telephone nor asked me to dismiss the petition.

71.Para. 12. Deny. I cannot know what money the client has and what her financial situation is or was, other than what the parties put down in their Petition.

72.Para. 13. Deny. I have no knowledge of the Colorado federal case.

73.Para. 14. Deny. The wife and husband both authorized the filing of the Petition and this can and will be verified by my legal secretary.

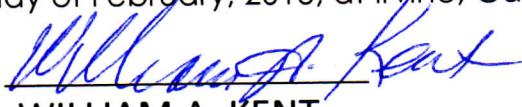
ADDITIONAL AVERMENTS.

74.On or about January 28, 2015, I received an email from an attorney Naren Chaganti, who illegally tried to interfere with my representation of the Debtors, contrary to the rules, laws, and ethics of the California Bar Association. I am attaching herein as an exhibit, Exhibit "A," a copy of which was sent to me by email, to show the illegal nature of his contact.

75. Attorney Chaganti illegally has attempted to interfere with my representation of my clients and I will do what I have to do to bring this to the attention of the California Bar Association.

76. It appears that Attorney Naren has no office in California, but only an address in a municipality called Town and Country in the state of Missouri. He was admitted to the California Bar on December 4, 2000.

I, WILLIAM A. KENT, declare under penalty of perjury under the laws of the State of California that the foregoing statements and averments are true and correct. Executed this 4th day of February, 2015, at Irvine, Ca.


WILLIAM A. KENT

MEMORANDUM OF POINTS AND AUTHORITIES.

I-Preliminary statement. It must be obvious that whatever the Debtors have filed lacks complete and utter credibility. Furthermore, many statements and many allegations are not backed up by any proof other than their outrageous statements!

The actions taken by Attorney Chaganti will be properly dealt with outside these proceedings, although it would not be out-of-line for the Court to bar him from practicing in the Bankruptcy Court in California, considering the clear evidence of violations of the Professional Rules of Practice.

These Debtors have clearly taken advantage of the undersigned and his good reputation. I have practiced law for 58 years in 3 different jurisdictions. What these "people" have done should not go unnoticed or countenanced. It is obvious that these attorneys are practicing law in an unprofessional manner.

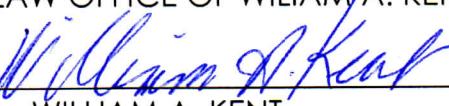
Why any of them did not prepare a Substitution of Attorney for me to be relieved of my representation is now clear to see, i.e., they needed to find a scapegoat upon whom they could try to thrust the blame for their filing a bankruptcy action.

It is the undersigned's submission that short shrift should be accorded this circus and comedy of errors, so that they cannot disrupt proper proceedings in the future. Those who dare disrupt the judicial process and submerge it in mud rather than follow the rules of law should be heavily sanctioned.

It is therefore indubitably that the Court has the power under The Bankruptcy Code, Sec 707, and other provisions to relieve the undersigned of any duties and obligations in this case and deal out the swift and deserved punishment that this motley group of ne'er do wells have attempted to commit and besmudge the honor and dignity of this Honorable Court without any proper basis!

Dated: February 4, 2015.

THE LAW OFFICE OF WILLIAM A. KENT

By: 
WILLIAM A. KENT

Will Kent

From: Naren Chaganti <naren.chaganti@gmail.com>
Sent: Wednesday, January 28, 2015 10:42 AM
To: wkent1@cox.net
Cc: naren.chaganti@gmail.com
Subject: In re Kuppusamy et al - bankruptcy case

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS NOT TO BE DISCLOSED OR USED IN ANY PROCEEDING

Dear Mr. Kent,

I represent these debtors. I have not entered appearance in the bankruptcy case in court. I would like to discuss how to get them out of bankruptcy matter with your help. I can be reached via phone at (650) 248-7011.

You are not to discuss any matter relating to this bankruptcy filing with any person, including the Chapter 7 trustee, Richard Marshack, or the US Trustee or any other lawyer for any claimant or creditor without my approval. I will be coordinating all privilege issues for the Debtors. All communications you had with Kuppusamy and his wife are privileged and confidential. They have not waived their confidentiality and they request you to respect the confidentiality of their privileged communications. Please acknowledge this e-mail and let me know that you read and understood the fact that the Debtors did not waive any confidentiality or privilege.

I think we can work this complex matter to get the debtors out of this mess. Please contact me at the earliest.

Very truly yours,
Naren Chaganti.

Exhibit "A"

Wednesday, February 4, 2015

THE STATE BAR OF CALIFORNIA

ATTORNEY SEARCH

Naren Chaganti - #209347

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	209347	Address:	Law Office of Naren Chaganti 713 The Hamptons Ln Town and Country, MO 63017 Map it	Phone Number:	(650) 248-7011	Fax Number:	(314) 434-4663	e-mail:	naren@chaganti.com
County:	Non-California	Undergraduate School:			See Registration Card;				
District:	Outside California								
Sections:	None	Law School:			George Washington Univ LS; Washington DC				

Status History

Effective Date	Status Change
Present	Active
12/4/2000	Admitted to The State Bar of California

Explanation of member status

Actions Affecting Eligibility to Practice Law

Disciplinary and Related Actions

Overview of the attorney discipline system.

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

[Start New Search »](#)

Exhibit "B"

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

DECLARATION

A true and correct copy of the foregoing document entitled (specify): _____

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in
the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

US TRUSTEE

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) 2-4-15, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

TRUSTEE, US BANKRUPTCY COURT, 411 W 4th St. Room 9041, Santa Ana, CA 92701

RICHARD MARSHACK, 870 Roosevelt St., Irvine, Ca 92620

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2-4-15

GABRIELA KENT

Date

Printed Name

Gabriela Kent
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

F 9013-3.1.PROOF.SERVICE